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national, sovereignty, constitution, president, ministers, chambers, public education, justice, taxation and military service. A historical survey prefaces each chapter which, though crisp and brief, is exceedingly illuminating. The chapter on the president is written in a spirit of studied detachment, hence it adds nothing to our knowledge of the subject. M. Poincaré is anxious to acquit France of the charge of revolution and to show the continuity of the French state. "France," he writes, "has known kings, directors, consuls, emperors and presidents of the Republic. By all these metamorphoses she has remained France, and the life of the state has been neither suspended nor impaired. Had he used the word "bureaucracy" instead of "state" this statement might go unchallenged. The function of the French bureaucracy as an absorber of the shocks of revolution has been strangely overlooked by most historians who delight in picturing France as always breaking with the past.

When, in the concluding chapter, our author comes to write of the army, the scholarly reserve which he has maintained throughout the book breaks down. He is eloquent in the praise of patriotism in general and of French patriotism in particular. He is frankly for a vigorous military policy, as "France has need of a strong army to defend her independence and her honor against the attacks, always possible, of other nations." Evidently the time has not yet come when a Frenchman, even though he be a philosopher, can think of 1870 without emotion.

J. SALWYN SCHAPIRO.

*Jahrbuch des Völkerrechts.* By TH. NIEMEYER and K. STRUPP, 1. Band. (München and Leipzig: Duncker u. Humblot, 1913. Pp. viii, 1556.)

The first volume of the *Jahrbuch des Völkerrechts*, edited by Professor Niemeyer of Kiel and Dr. Strupp of Frankfort with the coöperation of the late Dr. Asser, Professor Ariga, the late Professor von Bar, Professor Fiore and others, is a book of more than 1500 pages, a number about twice that announced in the early prospectus. This volume is the first of a series of annual issues. For various reasons, it appeared somewhat late in 1913, though covering the year, September 1, 1911, to August 31, 1912. Subsequent volumes will probably appear more promptly.

This book is among those which are essential not merely for specialists and students, but for others interested in or concerned with matters of international law and international politics.

The book is divided into five parts: (1) Documents, (2) Articles and reports, (3) Action upon treaties, (4) Miscellaneous, (5) Bibliography.

There follows an appendix showing changes in the diplomatic service and an index.

The documentary material is large in amount and very valuable, particularly relating to the controversies centering about Morocco, the Turco-Italian war, Persia, Spitzbergen, Turco-Persian boundary, British-Portuguese boundary and the Panama Canal. The documentary part also contains the treaties and conventions concluded during the period 1911-1912, important bills, laws and declarations having international bearing, such as the British naval prize bill, Italian law in regard to coast waters, and the declaration in regard to the delimitation of frontiers in equatorial Africa. The recent awards of the court of arbitration at the Hague are also given.

The second part contains articles upon many of the subjects illustrated by documents of the first part. Dr. van Beek en Donk shows that the progress of arbitration was not rapid in the year 1911-1912, if viewed solely from the number of treaties concluded. Discussion has, however, shown the difficulties to be met both as regards the bringing of cases to the court at the Hague and the execution of its awards.

The Panama Canal question is discussed by Geo. C. Butte and by Thos. Baty. Mr. Butte's article has since been published in English as "Great Britain and the Panama Canal." These articles present a comprehensive view of the arguments.

H. Wittmaack gives an account of the German law of December 24, 1911 relating to ship tolls.

The questions arising from the Turco-Italian war are very fully presented by Sir Thomas Barclay, Dr. Rapisardi-Mirabelli, Professor Fiore, Dr. Tambaro, Dr. Baty, Professor Perret, Professor Kebedgy, and Professor Scelle. The attitude of these writers varies from that of presenting the position of Italy as illegal and unjustifiable to that of a warm advocacy of the action of Italy. The claim that Italy was acting in accord with "manifest destiny" receives support. The less general topics, such as the legal status of Italians in Turkey under the "capitulations," the status and future of the Aegean Islands, the position of Egypt endeavoring to maintain a quasi neutrality between Turkey upon which it is nominally dependent and Italy with which Turkey is at war, and the closing of the Dardanelles, are fully treated, and in some instances illustrative documents accompany the articles.

Professor Basdevant's article considers the Morocco question from the point of view of international politics, particularly as affecting European alliances and France, while Professor Niemeyer looks more to the

international law and policy of the events of 1911 and 1912 at Agadir, the territorial compensation in central Africa and the German program.

Mr. Wang endeavors to show by argument and documents that through the revolution, China has developed a government in fact and in law.

Mr. Bentwich describes the changes in Persia including the Shuster incident, and he also discusses the proposed British naval prize bill and the declaration of London.

The late Professor von Bar gives a résumé of the work of the Institute of International Law at its meeting at Christiania in 1912.

The reports from the various states give an excellent summary of the course of events which have had international significance as well as interpretations and explanations of laws, decrees, conventions, and treaties which are of international importance. The list of writers upon affairs in each state shows the care which has been taken to secure reliable accounts: Germany, v. König; Austria-Hungary, v. Dungen; Switzerland, Huber; England, Bentwich; France, Basdevant; Russia, v. Korff; United States, Reinsch; Central and South America, Sa Vianna; etc.

The presentation of the work of the international conferences of the year covers about sixty closely printed pages. These conferences touch upon negotiable instruments, Spitzbergen islands, opium, sanitation, sugar, radio-telegraph, water rights and Pan American movements.

The various societies and organizations devoted to the study of international law and relations are described by those familiar with their work.

Part III is devoted to the presentation of the course of action upon treaties and other international compacts.

Part IV contains much valuable information not ordinarily available in any one book. Mention is made of the proposed school of international law at The Hague, the American Institute of International Law, the Carnegie Endowment for International Peace, etc.

In Part V, there is an extended bibliography topically arranged with a particularly full enumeration of the titles relating to peace.

There is an appendix showing the changes during the year in the diplomatic and consular service of various states.

The index is well adapted for a reference book.

Occasional misprints and errors may be found, but considering the fact that the material in the book is set up in different languages, principally German, French, and English, the errors are remarkably few.

There is so much valuable material in the fifteen hundred pages that it is difficult to make selection. A complete review would require long discussion of some of the matters presented by those who have labored in the production of the *Jahrbuch des Völkerrechts*. It is safe to assign this volume a leading place among the year-books and Drs. Niemeyer and Strupp are to be congratulated upon the excellent beginning and high standard which is shown in the issue of the *Jahrbuch* for 1911-1912.

G. G. WILSON.

*The Judiciary and the People.* By FREDERICK N. JUDSON. (New Haven: Yale University Press, 1913. Pp. 270.)

In the William L. Storrs' lectures for 1913 before the law school of Yale University Mr. Judson discusses briefly the development of judicial power, the relation of judicial to legislative power, the recall of decisions and of judges, and the reform of judicial procedure. Perhaps the greater part of his discussion is directed to the judicial power over legislation and to the need for independent courts. The discussion is somewhat discursive, and is too brief to present in detail the justification for the author's various statements.

In several of the lectures Mr. Judson discusses the recent discontent with judicial power over legislation, and deprecates this attitude without attempting to explain its basis. He feels that much of the difficulty is due to the increasing incompetence of legislatures, although there is a good deal of basis for the statement that their competence has been increasing rather than decreasing. In agreement with a number of other defenders of the courts he says that judicial action but enforces limitations which the people have placed upon themselves in order to restrain impulsive and inconsiderate action (pp.172-185). This ignores the fundamental criticism resting upon the contention that the courts have by interpretation enlarged the "due process of law" clause, and are therefore enforcing limitations which they, not the people, have read into the constitutions. Such a criticism cannot be ignored, and is apparently justified by the fact that we can find the same court in the course of a forty-year period changing several times its concept as to what legislation is or is not "due process."

In his argument for independent courts Mr. Judson nowhere calls attention to the great difficulty of having free from political control courts whose decisions upon constitutional matters necessarily deal with questions of political and social importance. Whenever questions of a political character are being presented to a court for decision, then